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Eligibility Review Useful Information

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1. About CHC

CHC is a not-for-profit, non-government organisation with a mission to provide affordable housing to low to moderate income earners.

Social models – income base

The upper limit of gross annual household income for eligibility for community housing is detailed as the 'minimum income' on the income limits detailed on the application form and CHC's website. Rent levels are generally 25% of income plus Commonwealth Rent Assistance entitlement and are adjusted periodically when reviews for ongoing eligibility are conducted. CHC's social rent model is limited to those incumbent tenants at the time of the transfer of ACT Housing stock (June 2007), dwellings transferred under the Nation Building Stimulus program and specialised housing programs.

Affordable rental model – market rent based

To be eligible for affordable housing, the gross annual household income must fall between the limits detailed on the application form and CHC's website. These limits are subject to change. Housing is generally considered affordable if the rent payable is no more than 30% of gross household income, and this is taken into account during assessment of eligibility. The rent for affordable housing is generally set at 74.9% of market rent, is reviewed periodically and is subject to annual reassessment of eligibility.

CHC owns around 400 properties that are available to eligible tenants under both affordable and social housing programs.

All CHC tenants are required to provide evidence (to CHC requirements) of their ongoing

eligibility for a CHC property.

To be eligible for a CHC property, applicants must meet all the criteria. Income levels are adjusted when ACT Housing income limits are adjusted (6 monthly) and the when the Commonwealth Government issues is NRAS income updates (annually).

2. Rent rebates and rent setting

As previously stated, CHC has two main categories of housing assistance programs:

- Social (Income based)
- Affordable (Market based)

Depending on what type of program you are on, depends on how much rent rebate you receive and also how your rent is set.

What is a rental rebate?

A rental rebate is the difference between market rent and the maximum rent a tenant is required to pay. This difference (rental rebate) is rent forgone by CHC.

Rent Setting

Social (income based) housing assistance programs rent setting

CHC's social housing assistance program sets the rebate as the difference of 25% of assessable income PLUS 100% of Commonwealth Rent Assistance (CRA) entitlement at the time of the assessment to the market rent payable on the property. Refer to Page 7 for further clarification on CRA entitlement.

This is subject to the qualification that the rent payable will not exceed Market Rent. If so, rent payable will be Market Rent and no rent rebate applies.

Affordable housing assistance programs rent setting

Rents are set at 74.9% of the market rent. CHC's affordable market rents are assessed annually on the 30th June by an external independent valuer, or if NRAS, market rents are set in accordance with NRAS legislation.

3. Review of entitlement/eligibility

Depending on the program type this may be at regular six monthly intervals or within eight weeks of the expiry date of a fixed term lease.

CHC will send out reminder letters when your eligibility review is due, including what kind of information is required and when it is due by. It is vital you understand your responsibilities in returning your documents in a timely manner as delays may impact on your ongoing eligibility.

Upon review CHC may find that the household income is sufficient for them to access and sustain alternative tenure and may take action to withdraw the assistance being provided and to terminate the tenancy, subject to the requirements of the Residential Tenancies Act.

Social housing tenants

Social (income based) tenants are reassessed every six months, for the following assessment periods:

- 1 April to 30 September
- 1 October to 31 March

Exceptions are those social housing tenants who are on specialist Fixed Term Agreements, who are assessed at least 8 weeks prior to the expiry date of their Fixed Term Agreement.

Affordable housing tenants

Within eight weeks of the expiry date of a fixed term lease.

4. Ongoing eligibility requirements

CHC tenants must satisfy, and continues to satisfy, each of the following criteria:

- a) At least one applicant is in Australia lawfully and is not subject to a time limit imposed by law.
- b) Each of the applicants is at least 18 years of age.
- c) None of the applicants have any interest in any real estate/property in Australia (or overseas).
- d) Each applicant is resident in the Territory and has been a resident for a period of 6 months immediately before the assessment date.
- e) Meets the income requirements for the housing program¹.
- f) Meets the ongoing information requirements for the housing program
- g) The combined value of assets of the applicants is not more than the asset eligibility limit.

An applicant is not eligible for assistance (the housing program) if:

- a) the application is false or misleading in any material way
- b) the applicant refuses to provide income documentation in a timely manner
- c) their circumstances change impacting on the eligibility requirements above
- d) the applicant has changed his/her financial affairs in such a way for the purpose of, or having effect of:
 - i. being eligible for assistance under this program
 - ii. obtaining a tax benefit or any other advantage
 - iii. is subletting the dwelling the subject of the tenancy agreement, or
 - iv. stops living at, or is absent from, the dwelling for more than 21 days without the consent of CHC.

Broadly ongoing eligibility depends on two critical factors:

- Household composition
- Income verification

5. Household composition

A change in household composition may arise due to the following:

- Addition/removal of dependent (under 18 years of age).

¹ This is updated three times a year in accordance with Housing ACT and NRAS settings.

- Addition/removal of non-dependent (over 18 years of age) including but not limited to domestic partnership changes.

It is important that should this occur during your tenancy you notify CHC as soon as possible, as household composition determines the income range for your eligibility. For details on what constitutes a change in household composition see Appendix 1.

6. Income verification

Acceptable income documentation is given below under income source headings. CHC reserves the right to request additional documentation as it sees fit. In all cases, where the income is LESS than the Centrelink Newstart Allowance or equivalent benefit, the applicant/tenant will be deemed to be receiving a level of income equivalent to that Allowance.

Depending on your housing program, income documentation may be requested for a 26 week (social housing) or a 52 week (affordable housing) period.

Centrelink income

Centrelink income Centrelink documentation required for eligibility assessment is:

- income Statements received, or
- a Centrelink detailed view payment history.

CHC tenants may choose to provide consent to view and download their Centrelink information on their behalf. CHC only has VIEWING access to this Centrelink facility. If you are interested, please ask your Tenancy Officer for a Consent Form.

Wage or salary

Wage or salary Documentation required for eligibility assessment of household members earning a wage or salary must state:

- Current continuing income.
- Gross earnings over the relevant CHC period.
- Name, contact number and signature of employer or personnel representative.
- Date of statement.

The statement can be in the form of:

1. A letter on business letterhead stationery, with two supporting payslips **OR**
2. A letter including the business stamp, with two supporting payslips **OR**
3. Individual pay slips covering the relevant CHC assessment period.

If employed for less than the requested period, a letter from the employer or personnel representative indicating date employment commenced and gross earnings to end date of assessment period is required.

Household members receiving a Statutory Income must provide a current letter from the Statutory Authority.

If you started or ceased employment during the period, please provide relevant documentation. For ceasing employment, a Centrelink Separation Certificate must be supplied.

Seasonal Worker

An applicant must provide documentation, which confirms the income he/she is receiving and has received over the required CHC period. Acceptable forms are as per Wages or Salary above.

Self-employed or partnership

The intention of this policy is to treat the income of self-employed persons and salary and wage (PAYG) recipients in an equivalent manner; even though a self-employed person will be able to reduce their gross business income by deducting legitimate business expenses to arrive at a net income figure to be used for assessment of their eligibility for rebate purposes.

However, the following are non-allowable business expenses for determining the income for rebate purposes:

- Any remuneration including salaries or wages, director's fees or drawings from the business or equity, paid to any member of the household.
- Donations and gifts including gifts to other household or family members.
- Depreciation or any other capital allowances.
- Negative gearing expenses.

Therefore, the self-employed person must provide the detailed Profit and Loss Statement and Balance Sheet endorsed by a certified/registered accountant for the business operations.

If the Profit and Loss Statement shows a loss or income less than the Centrelink Newstart Allowance or equivalent benefit, the self-employed person will be deemed to be receiving a level of income equivalent to that Allowance.

In cases where the self-employed person earns income as a sole trader, the detailed Profit and Loss Statement and Balance Sheet should be sufficient evidence to determine the income for assessing eligibility for rebate.

In cases where the self-employed person earns income from a partnership, further details may be requested in addition to the information required above.

In cases where the self-employed person receives income as a Director of a company as an owner or part owner or otherwise of the company or from owning shares in the company, further information be required in addition to the information required for an individual specified above.

Child Maintenance income

A Child Support Agency (CSA) Statement should be provided to CHC showing the actual amount received during the requested period. Otherwise CHC may take the amount of maintenance listed on the Centrelink statements.

Where child support payments are not managed via CSA, i.e private payment arrangements are in place, a Statutory Declaration by the paying partner detailing the amount paid for the assessment period is required.

Commonwealth Rent Assistance (CRA) – social housing tenants only

Where an applicant/or ongoing tenant is deemed eligible for Rent Assistance, CHC will include 100% of CRA entitlement in rent setting.

This calculation is computed by entering the assessable income for the period against the

current published DSS CRA rates².

CRA rates

The entitled rate as per the DSS published rates. Generally CRA is paid at the rate of 75 cents for every dollar of rent paid above the specified threshold until the maximum rate is reached. The maximum rates and thresholds vary according to a customer's family situation and the number of children they have. For singles without children, the maximum rate also varies according to whether or not accommodation is shared with others. Rent thresholds and maximum rates are indexed in March and September each year to reflect increases to the Consumer Price Index.

Commonwealth Rent Assistance (CRA) – affordable housing tenants only

This amount is included as assessable income.

Other general income sources

Other General income sources Documentation proving any other sources of income (ie: dividends, interest). This may be sourced from Centrelink statements or letters from relevant institution detailing interest received or via a statutory declaration. Note: assets on which dividends and interest are received are to be disclosed under Assets.

Income, refers to “gross income” of the household. Gross income means the income amount in dollar value that has been earned, derived or received for one’s own use or benefit; or a periodical payment or benefit received as a gift or allowance. It includes income from outside Australia.

If no income is received from any source

Should no income have been received by a person during the year, a statutory declaration must be completed and signed stating the period no income was received.

7. Assets

An applicant with assets above the current assets limit of \$40,000 is ineligible. Land is considered an Asset.

Assets excluded from assessment assets

Assets that are not counted include:

- Personal belongings, personal car (if more than one (1), usually the most expensive one owned is exempt from the assessment process), furniture.
- Assets that cannot be realised, eg superannuation roll-over funds, the capital of lifetime annuities.
- The value of any interest or equity in real estate that cannot be realised.

Appropriate documentation must be provided in support of a claim that assets cannot be realised. Examples of appropriate documentation include:

- A solicitor's letter stating the details of the asset, that it is non-realisable and the reason it is

² <https://www.humanservices.gov.au/customer/services/centrelink/family-tax-benefit>

- non-realizable.
- A letter from a financial institution providing details of the asset, that it is non-realizable, and the reason it is non-realizable.

Ownership of real estate

An applicant or household member who owns or has an interest in real estate is ineligible for rental with CHC unless they cannot reside in the property and they are making reasonable efforts to dispose of their interests in the property. CHC reserves the right to determine 'reasonable efforts'.

For the purposes of this policy, real estate refers to houses, units and flats. Mobile homes, caravans and land are considered assets, not real estate – and are to be declared under that heading.

8. Child contact arrangements

Tenants with child contact arrangements are required to produce evidence of the arrangement by providing a copy of one of the following documents:

- Parenting Order under section 64B of the Family Law Act 1975.
- Parenting Plan under section 63C of the Family Law Act 1975.
- Confirmation of child contact arrangements from a Family Relationship Centre.
- Letter from the solicitor who is dealing with the child contact arrangements.
- Documentation from Centrelink which substantiates the percentage of care.
- Documentation from a support service/government agency which is directly involved in the child contact arrangements.
- Care and Protection Order with a plan for restoration of the child/ren contained in the case plan.

Where regular child contact is less than 27% of the year, a copy of the Parenting Order is required to confirm that child contact arrangements are dependent on having appropriately sized housing.

Applicants must advise CHC immediately of any changes to any child contact arrangements that may affect their housing allocation.

9. Fraud

CHC considers fraud to have occurred when an applicant, in order to gain a higher benefit:

- Deliberately supplies false information.
- Deliberately fails to provide information.
- Changes his/her income or arranged his/her financial affairs by or as a result of any artificial or contrived scheme or arrangement.

10. Right of appeal

Where a tenant disputes the eligibility outcome, the tenant must provide written notification to CHC stating why they dispute the outcome. This may be done via the return form supplied with the outcome letter but separate written notification is acceptable.

CHC has a documented system for managing complaints, appeals and disputes from its tenants:

- a) Complaints, appeals and disputes are to be submitted in writing to the:

Compliance Manager, P O Box 6239, O'Connor ACT 2602

- b) CHC will acknowledge receipt and provide a response within a reasonable time.

10. Confidentiality and privacy

CHC will ensure that all confidential and sensitive business information and records are kept secure and protected from any unauthorised access or use. CHC will not release any confidential or sensitive information to a third party without the prior written consent or approval of the affected person or agency that owns the information.

CHC will protect the personal information and privacy of residents, tenants and household members. CHC will ensure that any personal and/or health information is not collected, used, stored or disclosed other than for the proper purposes of these services. Personal information and/or health information must not be released to or exchanged with an unauthorised third party unless with the informed consent of the person affected or this is lawfully authorised or required.

Appendix 1 – changes in circumstances of an applicant

1. An eligible applicant must immediately tell CHC, in writing, of any relevant change in circumstance of the eligible applicant which happens at any time before the provision of any form of assistance (and during receipt of assistance in the form of a rent rebate, if applicable).
2. For the purpose of this program, a relevant change to circumstances, for an eligible applicant, means any of the following:
 - a) The applicants absence from the property for more than 21 days.
 - b) The entering into a domestic partnership³ by the applicant or any changes in a domestic partnership of the applicant (see also 8).
 - c) A change in the applicants household; (see also 8).
 - d) Any change in the circumstances of the applicant, or the applicants household which would result in the applicant not being an eligible applicant.
 - e) Any change in the applicant's circumstances that could affect their needs category or priority status within a needs category.
 - f) Any other change that CHC decides is a relevant change and tells the applicant about in writing.
3. Where a tenant supplies information past the required date, CHC reserves the right to not reassess the assessment period, or conduct a reassessment of any prior assessment periods.

Domestic Partnership changes

Adding a Non-Dependent

Where a current tenant enters into a domestic partnership. A domestic partnership (as defined by legislation) is assessed by the following indicators to decide whether 2 people are in a domestic partnership.

1. The length of their relationship.
2. Whether they are living together
3. If they are living together—how long and under what circumstances they have lived together
4. Whether there is a sexual relationship between them.
5. Their degree of financial dependence or interdependence, and any arrangements for financial support, between or by them.
6. The ownership, use and acquisition of their property, including any property that they own individually
7. Their degree of mutual commitment to a shared life.
8. Whether they mutually care for and support children.
9. The performance of household duties.
10. The reputation, and public aspects, of the relationship between them

Note: an example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see s 126 and s 132).

Where this has occurred, the current tenant must notify CHC in writing immediately. The new partner is to provide required information within 2 weeks to allow for a re-assessment of eligibility of the rental rebate and will be required to enter into a new Tenancy Agreement with CHC.

³ Domestic partnership is defined in the Legislation ACT 2001 – Sect 169.

Removing a non-dependent

An applicant must request in writing the removal of a household member from an application. Alternatively, a household member can request in writing that his/her name be removed from the application. CHC generally accepts Statutory Declarations detailing the changes.

A re-assessment of eligibility of the rental rebate will be required, and the remaining household member will be required to enter into a new Tenancy Agreement with CHC.

Please note, CHC reserves the right to re-assess the housing size needs of the remaining applicant(s).

Removing or adding a dependent

An applicant must request in writing to have a dependent removed from or added to an existing application. Documentation must be provided to identify the dependent, including: date of birth and income details. Where a dependent is being added to an existing application, a new application is not required.